

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

ERIC MELSON, JONATHAN
DOWD, and MICHAEL GAUNDER,
individually and on behalf of all others
similarly situated,

Plaintiffs,

vs.

FCA US LLC, and VOLKSWAGEN
GROUP OF AMERICA, INC.,

Defendants.

CV 20–42–M–DLC

ORDER

Before the Court is the parties’ jointly filed Motion to Dismiss. (Doc. 37.) The parties have settled this matter and move the Court for an order of dismissal, with each side to bear its own costs and fees. (*Id.*) The parties do not indicate whether they want the dismissal to be with or without prejudice. In such a situation, determination of whether the dismissal should be with or without prejudice is left to the district court. *Hargis v. Foster*, 312 F.3d 404, 412 (9th Cir. 2002). Because the parties seek dismissal of this action on the basis of settlement, the Court presumes finality is desired and will dismiss the action with prejudice.

Accordingly, IT IS ORDERED that the parties’ motion (Doc. 37) is GRANTED.

IT IS FURTHER ORDERED that the above-captioned matter is
DISMISSED with prejudice.

The Clerk of Court is directed to close the case file.

DATED this 28th day of December, 2020.

A handwritten signature in blue ink, reading "Dana L. Christensen", is positioned above a horizontal line.

Dana L. Christensen, District Judge
United States District Court